

PROB 12C
(01/14)

**United States District Court
for the
Western District of Tennessee
Petition for Warrant or Summons for Offender under Supervision**

Name of Offender: Timmy Kinner

Docket No. 2:08CR20171-001

Name of Sentencing Judicial Officer: The Honorable Samuel H. Mays, Jr., U.S. District Judge

Date of Original Sentence: 05/20/2009

*Revocation 07/15/2013

*Revocation 04/23/2015

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922 (g)

Original Sentence: Prison- 46 Months; TSR- 36

Type of Supervision: Supervised Release

*Prison – Time Served; TSR – 18 Months

*Prison – Time Served; TSR – 18 Months

Date Supervision Commenced: 11/07/2013

Assistant U.S. Attorney: Deb Ireland

Defense Attorney: Tyrone Paylor

Date Supervision Expires: 10/22/2016

PETITIONING THE COURT

- ☒ **To issue a warrant**
☐ **To issue a summons**

The probation officer believes that the offender has violated the following condition (s) of supervision:

Violation Number	Nature of Non-Compliance
1.	The defendant shall not commit another federal, state, or local crime. On or about June 12, 2015, the defendant was charged with committing the offense of Obstruction Highway/Passageway, in violation of (TAC) 39-17-307; Possession Controlled Substance with the Intent to Sell, to wit; Xanax, in violation of (TAC) 39-17-417; Possession of a Controlled Substance, to wit; Marijuana, in violation of (TAC) 39-17-418; Possession of a firearm during commission/attempt to commit a dangerous felony, in violation of (TAC) 39-17-1324; Possession of Drug Paraphernalia, in violation of (TAC) 39-17-425; Theft of Property under \$500.00, to wit; Handgun- in violation of (TAC) 39-17-103 . This conduct constitutes Grades A, B & C violations of supervised release.

Prob 12C

RE: Kinner, Timmy

Date: June 22, 2015

U.S. Probation Officer Recommendation: The conditions of supervision should be modified as follows:

{X} The term of supervision should be

{ X } revoked.

{ } Extended for _ years, for a total term of _ years.

{ } The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 22, 2015

s/Cliff L. Caver

Supervising U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☒ **Issue of an arrest warrant**
- ☐ Issue a Summons
- ☐ Other

s/ Samuel H. Mays, Jr.

Signature of Judicial Officer

Date: June 22, 2015

Prob 12C

RE: Kinner, Timmy

Date: June 22, 2015

VIOLATION WORKSHEET

1. Defendant: Kinner, Timmy
 2. Docket Number (Year-Sequence-Defendant-Defendant No.): 2:08CR20171 - 001
 3. District/Office: Western District of Tennessee (Memphis)
 4. Original Sentence Date: To Be Determined.

(if different than above):

5. Original District/Office:
 6. Original Docket Number (Year-Sequence-Defendant-Defendant No.):
 7. List each violation and determine the applicable grade (see § 7B1.1(a)):

<u>Violations(s)</u>	<u>Grade</u>
The defendant shall not commit another federal, state, or local crime. (Possess Controlled Substance with Intent to Sell Xanax)	A
The defendant shall not commit another federal, state, or local crime. (Possessing a firearm in commission of a crime)	B
The defendant shall not commit another federal, state, or local crime. (Possession of a Controlled Substance - Marijuana)	B
The defendant shall not commit another federal, state, or local crime. (Obstruction Highway/Passageway)	C
The defendant shall not commit another federal, state, or local crime. (Possession of Drug Paraphernalia)	C
The defendant shall not commit another federal, state, or local crime. (Theft of Property)	C

8. Most Serious Grade of Violation (see § 7B1.1(b)):

9. Criminal History Category (see § 7B1.4(a)):

A
V

10. Range of Imprisonment (see § 7B1.4(a))

***24 Months**

***Being originally convicted of a Class C felony, the statutory maximum term of imprisonment is 24 months; 18 U.S.C. §§3583(e)(3) and 3584.**

11. Sentencing Options for Grade B and C violations Only (Check the appropriate box):

- () (a) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c) (1) provides sentencing options to imprisonment.
 () (b) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c) (2) provides sentencing options to imprisonment.
 () (c) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
 Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**

Prob 12C

RE: Kinner, Timmy

Date: June 22, 2015

Defendant: Kinner, Timmy Docket No.: 2:08CR20171 - 001

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$):	_____	Community Confinement:	_____
Fine (\$):	_____	Home Detention:	_____
Other:	_____	Intermittent Confinement:	_____

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3(see §7B1.3(g)(1)).

Term: _ to _ years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from imprisonment

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment

15. Official Detention Adjustment (see §7B1.3(e)): Months: _ Days:

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**